IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

–

WRIT PETITION No.25215 of 2004

Between:

Atluri Venkateswara Rao, S/o. Krishna Murthy,
aged 46 years, Contractor/Proprietor,

Vijaya Krishna Fast Foods, APSRTC City terminal Bus Stand,

Krishnalanka, Vijayawada, Krishna District. **..... PETITIONER**

AND

1 The Commissioner of Police, Vijayawada, Krishna District.
2 The Asst. Commissioner of Police-I, Vijayawada, Krishna District.
3 The Inspector of Police, South Circle, Vijayawada, Krishna District.
4 The Sub-Inspectorof Police, Vijayawada,

Krishnalanka Police Station, Vijayawada, Krishna District.
5 The Divisional Manager, APSRTC Vijayawada, Krishna District.

6 Managing Director, APSRTC, Hyderabad. **.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction in the nature of Mandamus or otherwise declaring the action of the respondents in not allowing the petitioner to run the Canteen Business i.e. Vijaya Krishna Fast Food Centre, APSRTC City terminal Bus Stand, Krishnalanka, Vijayawada till 1/30 AM, as arbitrary, illegal, discriminatory, violating Article 14, 19(1)(g) of the Constitution of India and issue consequential directions restraining the respondents from interfereing with running the canteen business of the petitioner i.e., Vijaya Krishna Fast Food Centre, APSRTC City terminal Bus Stand, Krishnalanka, Vijayawada till 1/30 AM, and pass such other order or orders as this Court may deem fit and proper in the facts and circumstances of the case.

Counsel for the Petitioner: MR.P.V.KRISHNAIAH

Counsel for the Respondent Nos.1 to 4: GP FOR HOME

Counsel for the Respondent No.5: MR.R.MANMADHA RAO, Standing Counsel for APSRTC

The Court made the following :

ORDER:

The petitioner, who is a licensee to run the canteen business under the name and style of Vijaya Krishna Fast Food Centre at APSRTC City terminal Bus Stand, Krishnalanka, Vijayawada, filed this writ petition to declare the action of the respondents in not allowing him to run his canteen till 1.30 a.m., as arbitrary and illegal, and to issue a consequential direction restraining the respondents from interfereing with his business.

Petitioner's grievance is that though he is a licencee holder to run the canteen business in the premises of the fifth respondent-Corporation, the respondents-police authorities are not allowing him to run the canteen business beyond 11-30 p.m.

The learned Counsel for the petitioner submitted that the petitioner should be permitted to run his canteen business beyond 11.30 p.m., as it is not a business, which affects the peace and creates law and order problems. He further submitted that mere mentioning of time in the agreement would not take away the right of doing business by the petitioner. It is further stated that the petitioner had also submitted representations before the sixth respondent and also the Executive Director, APSRTC, Hyderabad, requesting to issue orders permitting him to run the canteen after 11.30 p.m, but no action has been taken so far.

Heard the learned Counsel for the petitioner and perused the entire material available on record.

A perusal of the copy of the agreement goes to show that the time for closure of the business is stipulated as 11-30 p.m. Therefore, it is for the licencing authority i.e., the fifth respondent-Divisional Manager, APSRTC, Vijayawada, Krishna District, to permit the petitioner to extend his business hours in the interest of the public. However, the petitioner

is at liberty to make a representation before the fifth respondent for the relief which is sought for in this writ petition.

In view of the same, the petitioner is directed to file another representation before the fifth respondent enclosing a copy of this order. On filing of such representation, the fifth respondent shall consider and dispose of the same in accordance with law within a period of two weeks thereafter.

Accordingly the writ petition is disposed of. There shall be no order as to costs.

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4th March, 2004

Note:

Furnish CC

within one week.

B/o

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To:

1 The Commissioner of Police, Vijayawada, Krishna District.
2 The Asst. Commissioner of Police-I Vijayawada, Krishna District.
3 The Inspector of Police, South Circle Vijayawada, Krishna District.
4 The Sub-Inspector, Vijayawada, Krishnalanka Police Station,

Vijayawada, Krishna District.
5 The Divisional Manager, APSRTC Vijayawada, Krishna District.

6 Two CCs to the G.P. for Home,

High Court Buildings, Hyderabad.(O.U.T.)

7 Two CD copies.

8 The Managing Director, APSRTC, Hyderabad.